

SB2706



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2706

Introduced 2/15/2008, by Sen. Emil Jones, Jr.

SYNOPSIS AS INTRODUCED:

410 ILCS 335/10

Amends the Perinatal HIV Prevention Act. Makes a technical change in a Section concerning HIV counseling.

LRB095 05746 KBJ 25836 b

A BILL FOR

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Perinatal HIV Prevention Act is amended by
5 changing Section 10 as follows:

6 (410 ILCS 335/10)

7 Sec. 10. HIV counseling and offer of HIV testing required.

8 (a) Every health care professional who provides health care
9 services to a pregnant woman shall provide the ~~the~~ woman with
10 HIV counseling and recommend HIV testing, unless she has
11 already received an HIV test during pregnancy. HIV testing
12 shall be provided with the woman's consent. A health care
13 professional shall provide the counseling and recommend the
14 testing as early in the woman's pregnancy as possible. For
15 women at continued risk of exposure to HIV infection in the
16 judgment of the health care professional, a repeat test should
17 be recommended late in pregnancy or at the time of labor and
18 delivery. The health care professional shall inform the
19 pregnant woman that, should she refuse HIV testing during
20 pregnancy, her newborn infant will be tested for HIV. The
21 counseling and recommendation of testing shall be documented in
22 the woman's medical record.

23 (b) Every health care professional or facility that cares

1 for a pregnant woman during labor or delivery shall provide the
2 woman with HIV counseling and recommend HIV testing. HIV
3 testing shall be provided with the woman's consent. No
4 counseling or offer of testing is required if already provided
5 during the woman's pregnancy. The counseling and offer of
6 testing shall be documented in the woman's medical record. The
7 health care facility shall adopt a policy that provides that as
8 soon as possible within medical standards after the infant's
9 birth, the mother's HIV test result, if available, shall be
10 noted in the newborn infant's medical record. It shall also be
11 noted in the newborn infant's medical record if the mother's
12 HIV test result is not available because she has not been
13 tested or has declined testing. Any testing or test results
14 shall be documented in accordance with the AIDS Confidentiality
15 Act.

16 (c) Every health care professional or facility caring for a
17 newborn infant shall, upon delivery or as soon as possible
18 within medical standards after the infant's birth, provide
19 counseling to the parent or guardian of the infant and perform
20 rapid HIV testing on the infant, when the HIV status of the
21 infant's mother is unknown.

22 (d) The counseling required under this Section must be
23 provided in accordance with the AIDS Confidentiality Act and
24 must include the following:

25 (1) For the health of the pregnant woman, the voluntary
26 nature of the testing and the benefits of HIV testing,

1 including the prevention of transmission.

2 (2) The benefit of HIV testing for the newborn infant,
3 including interventions to prevent HIV transmission.

4 (3) The side effects of interventions to prevent HIV
5 transmission.

6 (4) The statutory confidentiality provisions that
7 relate to HIV and acquired immune deficiency syndrome
8 ("AIDS") testing.

9 (e) All counseling and testing must be performed in
10 accordance with the standards set forth in the AIDS
11 Confidentiality Act, including the written informed consent
12 provisions of Sections 4, 7, and 8 of that Act, with the
13 exception of the requirement of consent for testing of newborn
14 infants. Consent for testing of a newborn infant shall be
15 presumed when a health care professional or health care
16 facility seeks to perform a test on a newborn infant whose
17 mother's HIV status is not known, provided that the counseling
18 required under subsection (d) has taken place.

19 (f) The Illinois Department of Public Health shall adopt
20 necessary rules to implement this Act.

21 (Source: P.A. 93-566, eff. 8-20-03; 94-910, eff. 6-23-06.)